

REMARKS

1. The Amendments and the Support Therefor

Six claims (2, 4, 5, 17, 19, and 20) have been canceled, six new claims (21-26) have been added, and claims 1 and 21 have been amended to leave claims 1, 3, 6-16, and 21-26 in the application. No new matter has been added by the amendments or new claims, wherein:

- ***Independent claim 1*** has been amended to incorporate claim 2 (now canceled), and finds additional support in (for example) Figures 4-8 and page 5 lines 10-15 of the application (par. [0017] of corresponding US Publ'n. 2007/0162053);
- ***Claims 21-26:*** Find support at (for example) claim 1 and FIGS. 4-8.

Further comments regarding the new claims are set out below at Section 4.

2. Sections 2-3 of the Office Action: Rejection of Claims 1, 10, and 21 under 35 USC §102 in view of U.S. Patent 6,416,522 to Strecker

Independent claim 1 (and thus its dependent claim 10), and independent claim 21, are submitted to be novel in view of *Strecker*, which does not have a “means for coupling the elongated element and the delivery conduit in situ” as recited in claim 1, nor does it have an insertion element pivotally coupled to the delivery conduit at respective joiner locations which are fixed at an at least substantially constant distance. Referring to the cited column 8 lines 42-64 and FIG. 5 of *Strecker*, note that “filament 40 is received in sleeve 38 with axial mobility” (column 8 lines 49-50), i.e., it is slidably fed through sleeve 38 such that the coupled locations of the elongated element and delivery conduit are not held in place and/or at a substantially constant distance:

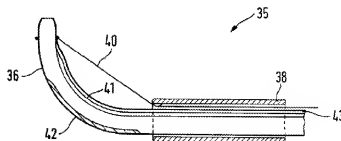


FIG. 5

Further, note that an ordinary artisan would never contemplate joining *Strecker*'s delivery conduit 36 and elongated element 38 in the recited manner, since *Strecker* would not work for its intended purpose if it was so joined. *Strecker* uses the filament 40 to pull on and bend the delivery conduit 36 with respect to the elongated element 38, with the delivery conduit 36 returning to its original shape when tension on the filament 40 is relieved (i.e., when the filament is fed into the elongated element 38). *Strecker* requires this variable distance between the end of elongated element 38 and the delivery conduit 36, and coupling the delivery conduit 36 and elongated element 38 in situ, at constant distance, would render *Strecker* inoperable. Thus, the claims cannot fairly be said to be obvious in view of *Strecker*. See MPEP 2143.01 (subsection entitled "The Proposed Modification Cannot Render The Prior Art Unsatisfactory For Its Intended Purpose").

3. Sections 4-6 of the Office Action: Rejection of Claims 2-3 and 6-8 under 35 USC §103(a) in view of U.S. Patent 6,416,522 to *Strecker* and U.S. Patent 6,126,633 to *Kaji et al.*

These claims are submitted to be unobvious in view of *Strecker* and *Kaji et al.*, since *Kaji et al.* basically teaches the same matter as *Strecker*, and there is no matter in *Kaji et al.* that would move an ordinary artisan closer to the claimed invention. Note that *Kaji et al.*'s insert section 1 is rigid (column 5 lines 28-29), and flexible tube 2, which terminates in inflexible portion 3, is joined to insert section 1 and is curved/bent by string 4 (column 5 lines 29-40), which extends through the insert section 1 to emerge at tube 8 (column 5 lines 41-50). In essence, *Kaji et al.* resembles the foregoing FIG. 5 of *Strecker* where the delivery conduit 36 is fixed to the elongated element 38. Apart from this concept, it is not seen what concepts an ordinary artisan would take away from *Kaji et al.*.

Further, *Kaji et al.*, whether considered alone or in combination with *Strecker*, does not show or suggest an elongated element extending alongside the delivery conduit as in *claims 1 and 21*, nor does it show or suggest pivotally coupling the insertion element to the distal end of the delivery conduit such that the coupled locations have at least substantially constant distance, as in *claim 21*.

As for *claim 6*, it should be evident that no artisan would consider use of a tie as the means

for coupling the elongated element 38 of *Strecker* to the delivery conduit 36 of *Strecker* if the delivery conduit 36 was fixed to the elongated element 38 as per *Kaji et al.* (i.e., looking to FIG. 1 of *Kaji et al.*, no ordinary artisan would affix the flexible tube 2 to the insert section 1 by use of a tie).

4. New Claims 22-26

New claim 22 is submitted to be allowable for at least the same reasons as its parent claim 21.

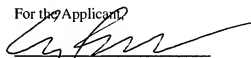
New independent claim 23 is submitted to be allowable for at least the same reasons as claims 1 and 21.

New claims 24-26 are submitted to be allowable for at least the same reasons as their parent claim 23.

5. In Closing

If any questions regarding the application arise, please contact the undersigned attorney. Telephone calls related to this application are welcomed and encouraged. The Commissioner is authorized to charge any fees or credit any overpayments relating to this application to deposit account number 18-2055.

For the Applicant,



Craig A. Fieschko, Reg. No. 39,668
CUSTOMER NO. 25005
DEWITT ROSS & STEVENS S.C.
2 E. Mifflin St., Suite 600
Madison, WI 53703-2865
Telephone: (608) 395-6722
Facsimile: (608) 252-9243
cf@dewittross.com